

VZCZCXRO2475
RR RUEHAG RUEHAST RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN
RUEHLZ RUEHPOD RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHBW #1742/01 3651605
ZNR UUUUU ZZH
R 311605Z DEC 07
FM AMEMBASSY BELGRADE
TO RUEHC/SECSTATE WASHDC 1989
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

UNCLAS SECTION 01 OF 02 BELGRADE 001742

SIPDIS

SIPDIS
SENSITIVE

DEPARTMENT FOR DRL/SEA, DRL/IRF

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [SR](#)

SUBJECT: FORMER SERBIAN RELIGION MINISTER DEFENDS DISCRIMINATORY
LAW

REF: 06 BELGRADE 678

Summary

1. (U) NGOs and small Protestant churches have criticized Serbia's 2006 Religion law, citing its multiple obstacles to becoming a legally recognized church. The 2007 International Religious Freedom Report (IRFR) identified these obstacles as well, prompting criticism from the Religion Ministry about the report's accuracy. Former Religion Minister, and drafter of the law, Milan Radulovic asserts that the law is necessary for the defense of the Serbian Orthodox Church and that the U.S. report should take into account the European view. Post adheres to the accuracy of the 2007 IRFR and will continue to convey concerns about religious freedom to the Serbian Government. End Summary.

Problems with the Law

2. (U) NGOs and small Protestant churches, many of whom have had difficulties registering or functioning under the current law, have criticized the 2006 Law on Churches and Religious Communities, which replaced a hodge-podge of laws from the Kingdom of Yugoslavia and the Tito era (reftel). Specifically, the law recognizes seven "traditional" churches and religious communities, based upon historical agreements and earlier laws. All other churches and religious communities, including some that have been present in Serbia for 150 years and recognized by the government for more than 50 years, must register with the Government of Serbia in order to be recognized. Further, the registration process requires proving that the church has at least 75 members by listing each member and his or her national identification number. Finally, only one church may register under a given name, preventing multiple churches with the same word in their name from registering (for example, other Orthodox churches and protestant churches such as the Adventist Reform Union, which shares part of its name with the Seventh Day Adventist Church). The United States identified these elements of the law as discriminatory in the International Religious Freedom Report (IRFR).

Religion Minister Criticizes Religious Freedom Report

3. (U) Current Religion Minister Radomir Naumov and his special advisor, former Religion Minister Milan Radulovic have repeatedly lashed out at critics of the law. In statements to the press, they have said the law allows any religious community to practice its faith, recognizes churches registered under previous law, and gives each church the choice whether to register. Shortly after the release of the IRFR in September 2007, Minister Naumov voiced his objections to the report in a press conference. He claimed that the report had mistaken facts and an incorrect interpretation of the law. The report's statement that respect for religious rights had

deteriorated was subjective and erroneous, he argued.

Former Minister: Law Reflects a European Worldview

14. (SBU) In order to correct any factual errors in the IRFR and to understand better the law, on December 21, poloff met with Radulovic, who wrote the law when he was Religion Minister. Radulovic said the United States had a fundamentally different view of religious freedom that had probably influenced the IRFR, producing the inaccuracies in interpretation of the law. The European view "harmonized" the rights of individuals and organizations, according to Radulovic. Serbia's religion law was perfectly consistent with that view, therefore criticism of the law was tantamount to criticism of the European understanding. The individual's religious freedom was not absolute, and the law protected the rights of institutions, not individuals.

15. (SBU) In response to poloff's reiteration of U.S. concerns with the law, Radulovic acknowledged that the law recognized the Serbian Orthodox Church (SOC) as "first among equals." He said the law recognized the traditional churches based on their history in Serbia, their strong identity, and rights recognized previously by the Kingdom of Yugoslavia. "The law does not divide, history does." The purpose of the law was to restore to those churches the rights the Tito regime had taken away, he said. The name of a church was integral to its identity, so no two churches could have the same name. According to Radulovic, the state could not become involved in internal church issues, therefore, for example, the state could not recognize the Macedonian Orthodox Church (which the SOC does not recognize as either autonomous or autocephalic).

A Better Law Would Be Undemocratic

BELGRADE 00001742 002 OF 002

16. (SBU) Radulovic said the law was liberal, because it recognized the rights of other, non-traditional, churches and religious communities that the government had never recognized. Radulovic said non-traditional churches had the option to register or not. If they chose to register, they only needed to prove that they faithfully represented the history and identity of their founding church in the United States. Radulovic said only those churches whose applications were incomplete experienced delays in registering. Radulovic admitted that the law ideally would have been more liberal, but then it would have made 98% of Serbs unhappy, which would have been "undemocratic."

Comment

17. (SBU) Radulovic's defense of the law boils down to disingenuous rhetoric about European worldviews and history, a claim that the law is good because it is popular, and questionable claims about the government's fair treatment of small churches. Post's concerns about the law remain valid, and Radulovic failed to establish any factual errors in the International Religious Freedom Report. Radulovic unabashedly admitted that he wrote the law to protect the Serbian Orthodox Church as the defender of traditional Serbian values, although some observers claim that even the SOC is unhappy with the law. Although the Religion Ministry, under its current leadership, is unlikely to initiate any amendments to the law, post will continue to deliver the message that the law is discriminatory.

End Comment.

MUNTER